IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 25455 of 2002

Between:

Guntupalli Venkateswara Rao S/o. Bhujanga Rayudu
R/o. Gottipadu, Prattipadu Mandal, Guntur.
Temporary R/o. Hyderabad.

..... PETITIONER

AND

1 The District Collector
Guntur, Guntur District.
2 The District Panchayat Officer, Guntur,
Guntur, Guntur District.
3 The Extention Officer, Panchayat Raj and Rural Development
Prattipadu, Prattipadu Mandal, Guntur District.
4 The Sarpanch, Gram Panchayat,
Gottipadu, Prattipadu Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of

Mandamus directing the respondents to declare the proceedings in R.C.No.432/2002 Dt. 16.9.2002 issued by the Extension Officer, Panchayat Raj and Rural Development or Mandal Praja Parishad, Prattipadu, Guntur District as illegal arbitrary, as per the Act and Rules of the Gram Panchayat Act, 1994 and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner : Sri J.VENUGOPAL RAO

Counsel for the Respondents 1 to 3: Govt. Pleader for Panchayat Raj Counsel for the Respondent No.4 : Sri B.PARAMESWARA RAO

The Court made the following :

HCJ & MNR,J

W.P.No.25455 of 2002

ORAL ORDER: (Per Hon'ble the Chief Justice)

Writ Petition was filed by the petitioner for directing the respondents to declare the proceedings dated 16th September, 2002 issued by the Extension Officer, Panchayat Raj and Rural Development, Prattipadu Mandal, Guntur district, as illegal and arbitrary. Petitioner has alleged that during his student days, he was committed to do social justice for the benefit of weaker sections of the society and was an ardent follower of Lok Nayak Jayaprakash Narayan. Petitioner was also Chairman of A.P.Bharath Sevak Samaj, Srinilaya Estate, Ameerpet, Hyderabad. He was hereditary village Munsif at Gottipadu. At the request of Gram Panchayat, Gottipadu, petitioner had started construction of bus shelter at his own cost in Panchayat poramboke land leaving 24 feet space from the adjacent centre of the road belonging to Road and Buildings Department. Thus, the construction of bus shelter was for the benefit of general public and the work had been done at the request of Gram Panchayat. The petitioners further alleges that at the behest of the local leaders, APSRTC and R & B authorities, the Extension Officer, Panchayat Raj and Rural Development, Prattipadu Mandal, Guntur, had issued proceedings dated 16-09-2002 not to proceed with the construction of bus shelter. Thus, the petition was filed as public interest litigation to declare the said proceedings as illegal and arbitrary and to suspend the earlier proceedings.

Rule nisi was issued and respondents were allowed to file reply. Only respondent No.4 filed affidavit stating that petitioner is very active in social service and is interested in development of the village. His son and another person made a representation to construct bus shelter in the village for the benefit of local people, and construction of bus shelter, in fact, was dire necessity, and Rs.60,000/- was spent for construction of bus shelter. Thus, the fourth respondent had supported the

case of the petitioner. There is no counter-affidavit filed by other respondents. Interim order was passed by this Court that any construction would be subject to result of the writ petition.

Since there is no opposition to the writ petition by the respondents, we allow the writ petition in terms of prayer clause.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

07-02-2005

bsc

That Rule nisi has been made absolute as above

Monday, Seventh day of February, Two thousand and five

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector
Guntur, Guntur District.
2 The District Panchayat Officer, Guntur,
Guntur, Guntur District.
3 The Extention Officer, Panchayat Raj and Rural Development
Prattipadu, Prattipadu Mandal, Guntur District.
4 The Sarpanch, Gram Panchayat,
Gottipadu, Prattipadu Mandal, Guntur District.

5. 2 CCs to Govt. Pleader for Panchayat Raj, High Court buildings, Hyderabad (OUT).

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